

EXHIBIT 8

Exhibit D

SYSTEMAX AND TIGERDIRECT'S PROPOSED CLAIM CONSTRUCTION AND SUPPORT FOR “SHOPPING CART COMPUTER”

3/13/2009

Page 1 of 45

Exhibit 2 – Defendants Systemax, Inc. and Tiger Direct, Inc.’s Preliminary Claim Construction Chart For Term “Shopping Cart Computer” As Used In U.S. Patent No. 5,715,314 (“the ‘314 Patent”), and U.S. Patent No. 5,909,492 (“the ‘492 Patent”)¹

Claim Element(s)	Defendants’ Construction	Support for Construction
Claim 34 and Its Dependent Claims of The ‘314 Patent		
34. A network-based sales system, comprising: at least one buyer computer for operation by a user desiring to buy products; at least one shopping cart computer ; and a shopping cart database connected to said shopping cart computer; said buyer computer and said shopping cart computer being interconnected by a computer network; said buyer computer being programmed to receive a plurality of requests from a user to add a plurality of respective products to a shopping cart in said shopping cart database, and, in response to said requests to add said products, to send a plurality of respective	shopping cart computer - a computer processing data associated with one or more shopping carts but is not operated by an operator of a merchant computer	<p>“Second, it is not clear which other computer the Defendants are trying to distinguish the ‘shopping cart computer’ from, when they say it must be ‘separate from a computer providing product descriptions to a user.’ Does this mean the buyer computer (which displays descriptions to users) or the merchant computer (which causes product descriptions to be sent to the user)? Because of this lack of clarity, the Defendants’ proposed construction would render the claims indefinite.” <i>Soverain’s Claim Construction Brief</i> at 28-29, Nov. 16, 2004.</p> <p>“Story: ‘We are building a payment system for the Web. Our novel approach works with today’s clients and doesn’t let the merchants see the client’s payment credentials.’ ” See SVN2-0040037 of SVN2-0040037-42 (emphasis added).</p> <p>“Abstract A network-based sales system includes at least one buyer computer for operation by a user desiring to buy a product, at least one merchant computer, and at least one payment computer. The buyer computer, the merchant computer, and the payment computer are interconnected by a computer network. The buyer computer is programmed to receive a user request for purchasing a product, and to cause a payment message to be</p>

¹ Nothing in this Defendants’ Preliminary Claim Construction Chart should cause a waiver of Defendants’ invalidity defenses under 35 U.S.C. §112. Defendants expressly preserve their rights to continue to pursue their invalidity defenses under 35 U.S.C. §112 subsequent to the Court’s Claim Construction.